

REMARKS/ARGUMENTS

This application has been reviewed in light of the final Office Action mailed on June 10, 2009. Claims 1-8 and 11-24 are pending in the application with Claims 1, 18, 23, and 24 being in independent form. Claim 9 has been cancelled herein. By the present amendment, Claims 1, 6, 18, 20, 23 and 24 have been amended. No new matter or issues are believed to be introduced by the amendments. A new search is not required since each of the independent claims has been amended to recite the claim language originally recited by cancelled dependent Claim 9.

Claims 1, 9, 14, 18, 23, and 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Van Beek (U.S. Application No. 2002/0083465) in view of Mousley (U.S. Patent No. 6,611,514). Claim 9 has been cancelled and each of the independent claims has been amended to recite the claim language of cancelled dependent Claim 9.

Claim 1, as amended herein, recites, *inter alia*, as follows:

“...providing a plurality of random access slots that are selectively configured for permitting a temporary or permanent allocation of a portion of the plurality of random access slots based on the level of interest of the users of the secondary stations, **wherein a secondary station of the plurality of secondary stations indicates the level of interest by transmitting a predetermined signal in a preselected one of the plurality of random access slots** ...” (emphasis added)

Van Beek and Mousley, taken alone or in any proper combination, fail to disclose or suggest “...providing a plurality of random access slots that are selectively configured for permitting a temporary or permanent allocation of a portion of the plurality of random access slots based on the level of interest of the users of the secondary stations, wherein a secondary station of the plurality of secondary stations indicates the level of interest by transmitting a

predetermined signal in a preselected one of the plurality of random access slots,” as recited in amended independent Claim 1.

On page 4 of the final Office Action, with reference to cancelled dependent Claim 9, the Examiner states the following:

Van [Beek] further discusses that wherein a secondary station of the plurality of secondary stations indicates the level of interest by transmitting a predetermined signal in a preselected one of a plurality of random access slots (i.e., in the known CATV system (e.g. primary station)[]) has, in the downstream direction, a frequency pass band comprising a plurality of substantially equally spaced and sized (6 MHz) frequency channels. This frequency band has a lower edge between 50 and 54 MHz and an upper edge that is implementation-dependent but is typically in the range of 300 to 864 MHz. Within that frequency band, (NTSC) analog television signals may be present, as well as other narrowband and wideband digital signals. All these signals are transmitted in 6-MHz frequency channels. Some of these frequency channels may carry data signals which are of interest for the secondary stations.

In contrast, in the present disclosure, interest from one or more of the secondary stations is first received by the primary station before data signals corresponding to a service are transmitted to the one or more interested secondary stations. That is, transmission occurs after one or more secondary stations are identified to have an interest in receiving the service. In the teachings of Van Beek, data signals are transmitted to the secondary stations without knowing if at least one of the secondary stations is interested in receiving the data signals. That is, there is no communication of an interest from the secondary stations to the primary station in the system described by Van Beek.

In particular, as recited by the independent claims, the secondary station of the plurality of secondary stations indicates the level of interest by transmitting a predetermined signal in a preselected one of the plurality of random access slots to the primary station (i.e., in the upstream direction). That is, the predetermined signal is transmitted from the secondary stations to the primary station, whereas the cited prior art teaches transmitting a predetermined

signal in a preselected one of a plurality of random access slots from the primary station to the plurality of secondary stations (i.e., in the downstream direction as referred to by the Examiner). Support for Applicant's features can be found at least at paragraph 0026 of the published application.

Independent Claims 18, 23, and 24 include the same or similar limitations to those of Claim 1, and are allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claim 1.

Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claims 1, 18, 23, and 24 and allowance thereof is respectfully requested.

Dependent Claim 14 is allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claim 1. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to dependent Claim 14, and allowance thereof are respectfully requested.

Claims 6-8, 11-13, and 20-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Van Beek in view of Mousley and further in view of Salloum Salazar et al. (U.S. Application No. 2003/0072321).

Salloum Salazar does not address the deficiencies of Van Beek with respect to independent Claims 1 and 18. Also, there is no suggestion in the references, taken alone or in combination, that a combined system would allow the "primary station to acquire a frequency channel relatively fast" as stated by the Examiner. Nonetheless, dependent Claims 6-8, 11-13, and 20-22 are allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claims 1 and 18. Accordingly, the withdrawal of the

rejection under 35 U.S.C. §103(a) with respect to dependent Claims 6-8, 11-13, and 20-22, and allowance thereof are respectfully requested.

Claims 2-5, 15-17, and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Van Beek in view of Mouldsley and further in view of Cooper (U.S. Application No. 2002/0069038).

Dependent Claims 2-5, 15-17, and 19, are allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claims 1 and 18. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to dependent Claims 2-5, 15-17, and 19, and allowance thereof are respectfully requested.

In view of the foregoing amendments and remarks, it is respectfully submitted that all Claims presently pending in the application, namely, Claims 1-8 and 11-24, are believed to be in condition for allowance.

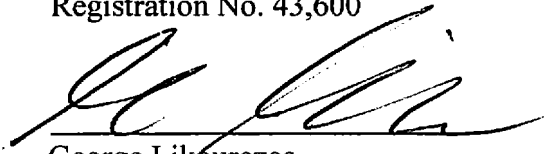
If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to contact the undersigned.

Respectfully submitted,

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